

Notice of Allowability

Application No.

10/073,370

Examiner

Thomas Y Ho

Applicant(s)

WOODALL ET AL.

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief filed on 5/11/04.
2. ☒ The allowed claim(s) is/are 1,2,5-10,13 and 14.
3. ☒ The drawings filed on 05 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Walter Hackler on 7/28/04.

The application has been amended as follows:

Replace claim 1 with the following:

1. A seat cushion comprising: a pair of generally flat pads for supporting a user's buttocks; a hinged handle disposed between the pads for carrying said seat cushion; spaced apart arms, attached to and extending from the pads and said hinged handle, for holding the pads and handle in a spaced apart relationship and enabling grasping of said hinged handle by the user, said arms being flexible for enabling the pads to be oriented in both a planar relationship for supporting the user's buttocks and a folded parallel plane relationship for enabling transport of said seat cushion by the handle, the arms including forearms and aftarms each joined to opposite ends of said hinged handle for holding said hinged handle in a spaced apart relationship with the folded pads; and wherein the pads, arms and hinged handle are integrally molded.

Cancel Claim 3.

Replace claim 8 with the following:

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8. A seat cushion comprising: a pair of generally flat pads for supporting a user's buttocks, the pads having mirror image perimeters; a single hinged handle disposed between the pads for carrying said seat cushion; spaced apart arms, attached to and extending from the pads and said hinged handle, for holding the pads and handle in a spaced apart relationship and enabling grasping of said hinged handle by the user, the arms being flexible for enabling the pads to be oriented in both a planar relationship for supporting the user's buttocks and a folded parallel plane relationship for enabling transport of said seat cushion by the hinged handle, the arms including forearms and aftarms each joined to opposite ends of said hinged handle for holding said hinged handle in a spaced apart relationship with the folded pads; and wherein the pads, arms and hinged handle are integrally molded.

Cancel claim 11.

The following is an examiner's statement of reasons for allowance: the prior art of record discloses or suggests the pads, arms, and a handle to carry the pads, but fails to disclose or suggest that the pads, handle, and arms being integrally molded. The rejection using the combination of Hutchison US2156629 and Grinnell US5297848 teaches the pads, arms, and handle, but does not teach or suggest the pads, arms, and handle being integrally molded. Sweeney US4031578 discloses a contoured travel pillow having pads and an arm that are integrally molded. However, Sweeney fails to disclose or suggest integrally molding forearms, aftarms, and a handle. Therefore the prior art of record fails to anticipate or suggest the inventions of amended claims 1 and 8.

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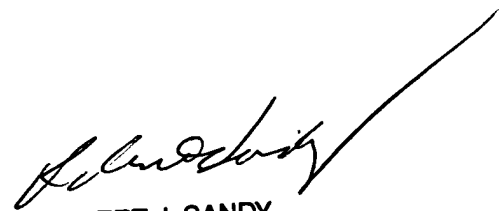
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TYH



ROBERT J. SANDY
PRIMARY EXAMINER